

**AN ORDINANCE TO AMEND PART 2, DIVISION 3,  
SECTIONS 2-1161(a), 2-1161(b), AND 2-1165 OF THE  
PROCUREMENT AND REAL ESTATE CODE OF THE  
CITY OF ATLANTA REGARDING THE RIGHT TO  
PROTEST, THE AUTHORITY OF THE CHIEF  
PROCUREMENT OFFICER TO RESOLVE PROTESTS,  
AND THE AUTHORITY OF PROCUREMENT APPEALS  
HEARING OFFICERS; AND FOR OTHER PURPOSES.**

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF  
ATLANTA, GEORGIA as follows:

**Section 1:** That Section 2-1161(a) of the Procurement and Real Estate Code which  
reads:

- (a) *Right to Protest.* Any actual or prospective bidder, offeror, contractor or subcontractor who is aggrieved in connection with the prequalification, solicitation or award of a contract may protest to the chief procurement officer. A protest with respect to prequalification or a solicitation shall be submitted to the chief procurement officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no circumstance shall the protest be submitted after 30 days of notification of the award of the contract.

Be and is hereby amended so that when amended the new section 2-1161(a) shall read:

- (a) *Right to Protest.* Any actual or prospective bidder, offeror, contractor or subcontractor who is aggrieved in connection with the prequalification, solicitation or award of a contract may protest to the chief procurement officer. All protests shall set forth in full detail the factual and legal bases for the protest and a statement of the reasons why such aggrieved person is entitled to relief.

- (1) A protest with respect to a prequalification shall be submitted to the chief procurement officer in writing ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no event shall such protest be submitted more than ten days after notification of the chief procurement officer's prequalification decision.

- (2) A protest with respect to a solicitation shall be submitted to the chief procurement officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no event shall such protest of the solicitation be submitted more than ten days prior to the deadline established for receipt of bids, proposals or qualifications statements being solicited.
- (3) A protest with respect to an award shall be submitted to the chief procurement officer in writing within ten days after such aggrieved person knows or should have known of the facts giving rise thereto, but in no event shall such protest be submitted more than ten days after notification of the award of the affected contract.

**Section 2:** That Section 2-1161(b) of the Procurement and Real Estate Code which reads:

- (b) *Authority to Resolve Protests.* The chief procurement officer shall have the authority, prior to administrative appeal and commencement of an action in court concerning the controversy, to settle and resolve a protest of an aggrieved bidder, offeror, contractor or subcontractor, actual or prospective, concerning the prequalification, solicitation or award of a contract.

Be and is hereby amended so that when amended, the new section 2-1161(b) shall read:

- (c) *Authority to Resolve Protests.* The chief procurement officer shall have the authority to settle and resolve a protest of an aggrieved bidder, offeror, contractor or subcontractor, actual or prospective, concerning the prequalification, solicitation or award of a contract.

**Section 3:** That preamble in Section 2-1165 of the Procurement and Real Estate Code which reads:

Unless an action has been initiated previously in the courts for essentially the same cause of action or the matter is within the authority of the contract compliance hearing officer pursuant to Section 2-1384, the procurement appeals hearing officers shall have the authority to review and determine: . . .

Be and is hereby amended so that when amended the new preamble in Section 2-1165 shall read:

Unless the matter is within the authority of the contract compliance hearing officer pursuant to Section 2-1384, the procurement appeals hearing officers shall have the authority to review and determine:

...

**Section 4:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.



# CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

DEPARTMENT OF LAW  
68 MITCHELL STREET, S.W.  
SUITE 4100  
CITY HALL TOWER  
ATLANTA, GEORGIA 30303-3520  
(404) 330-6400 TELEPHONE  
(404) 658-6894 FACSIMILE

LINDA K. DISANTIS  
CITY ATTORNEY

March 11, 2003

## VIA HAND DELIVERY

Larry Stokes  
Atlanta City Council  
City Hall Tower  
55 Trinity Street  
Atlanta, Georgia 30303-3520

Re: Ordinance to Amend Procurement and Real Estate Code  
of the City of Atlanta

Dear Mr. Stokes:

Please place the attached Ordinance to amend Part 2, Division 3, Section 2-1161(a), 2-1161(b), and 2-1165 of the Procurement and Real Estate Code of the City of Atlanta regarding the Right-of-Way Protest, on the Finance Executive Agenda.

If you have any questions about this matter, please do not hesitate to contact Jerolyn Webb-Ferrari at (404) 330-6480.

Sincerely,

Elizabeth Y. Masterson  
Legal Secretary

Enclosures

cc: Jerolyn Webb Ferrari, Senior Assistant City Attorney